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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,580	03/20/2006	Koujirou Tanaka	286785US6PCT	2855

22850 7590 08/19/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
SHIBRU, HELEN	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
08/19/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/572,580	TANAKA, KOUJIROU	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/20/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 5-6, 8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebaud (US PG PUB 2004/0261093) in view of Yamamoto (US PG PUB 2005/0203853).

Regarding claim 1, Rebaud discloses a content processing apparatus, comprising:

a first source ID list indicating providing sources of contents whose reproduction is permitted (see paragraph 0021 the database 110 contains a list of approved device IDs 111; IDs 111 contains an identification of client devices that are approved for the delivery of particular media content; see paragraph 0040, separate list 111 of approved devices maintained for each category of media content (full right and not full right to receive media content));

a content reproduction section for reproducing contents stored in a storage medium (see paragraph 0029, received data decoded);

a reproduction permission/inhibition decision section for deciding whether or not each of the contents is reproducible based on a source ID applied to the content and said first source ID list (see paragraph 0040, ID list 111 includes contents to be accessed, where the contents are categorized; and when determining whether a device is allowed to access a particular media item, the delivery system uses the appropriate list 111 of approved devices depending on the media content that has been requested).

Claim 1 differs from Rebaud in that the claim further requires a title list production section for producing a list of title information of the contents in such a manner that the title information of those contents which are decided to be non-reproducible by said reproduction permission/inhibition decision section can be distinguished.

In the same field of endeavor Yamamoto teaches a list of title information of the contents in such a manner that the title information of those contents which are decided to be non-reproducible by said reproduction permission/inhibition decision section can be distinguished (see figure 6 where the prior art shows playback content and content unique information with playability information (playable, not playable), see also paragraphs 0068-0075 and 0079). Therefore in light of the teaching in Yamamoto it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rebaud by providing a title list and distinguishing permitted or inhibited contents in order to provide for the user to identify the programs that the user has the right to view.

Regarding claim 2, Rebaud discloses a content reproduction apparatus (see media renderer client devices as shown in figure 1, figure 2 which shows one example of media rendering client device 200 for illustration purpose, and paragraph 0028) having a function of controlling reproduction based on a second source ID list (see paragraph 0030 delivery system authenticates the media rendering device using a device ID 225; device ID identify a class of devices that share common trait; see paragraph 0039 a list of approved device IDs 225 is stored in service management database coupled to the system server) indicating providing sources of contents whose reproduction is permitted is connected to said content processing apparatus (see connected media renderer client devices as shown in figure 1 using middelman server, 140);

said reproduction permission/inhibition decision section deciding, based on source IDs applied to the contents stored in said content reproduction apparatus and said second source ID list, whether or not the contents are reproducible on said content reproduction apparatus (see paragraphs 0030, 0043-0045 which content can be received by the device); and

Yamamoto discloses content processing apparatus further comprising a title information acquisition section for acquiring title information of contents stored in said content reproduction apparatus (see figures 6 and 7, and paragraphs 0071, 0151-0153 and claims 1 and 6); and

the said title list production section producing a list of the title information of the contents stored in said content reproduction apparatus in such a manner that the title information of those contents which-are decided to be non-reproducible by said reproduction permission/inhibition section can be distinguished (see figure 6 where the prior art shows playback content and content unique information with playability information (playable, not playable), see also paragraphs 0068-0075 and 0079.

Regarding claim 5, Yamamoto discloses a title list display section for displaying the list of title information produced by said title list production section 9see figure 2, and paragraphs 0075, 0112 and 0160).

Regarding claim 6, Rebaud teaches reproduction permission/inhibition decision section further decides whether or not any content is reproducible based on reproduction restriction information applied to the content (see paragraph 0022-0023).

Regarding claim 8, Yamamoto discloses title list production section produces the list of title information such that the title information of those contents which are decided to be reproducible and the title information of those contents which are decided to be non-reproducible are displayed

separately from each other (see figure 6 which shows for instance playable contents 4444 and 5555 are separately displayed from not playable contents 6666 and 7777).

Regarding claims 10-11, the limitation of claims 10-11 can be found in claims 1-2. Therefore claims 10-11 are analyzed and rejected for the same reason as discussed in claims 1-2 above.

3. Claims 3-4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebaud (US PG PUB 2004/0261093) in view of Yamamoto (US PG PUB 2005/0203853) and further in view of Official Notice.

Regarding claim 3 and 4, although both Rebaud and Yamamoto teaches performing a decision to distinguish the non reproducible content from the reproducible content, both prior arts fails to specifically teach deleting the non playable content from a storage medium of the said content processing apparatus or from the said content processing apparatus.

Official Notice is taken that it is notoriously well known in the reproducing and recording art to delete selected content. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by providing a deleting process in order to save more data and create additional space by discarding selected and distinguished content(s).

Regarding claims 7 and 9, although Yamamoto teaches displaying the non-reproducible contents separately from the reproducible contents, Yamamoto fails to specifically teach distinguishing the playable content from the not playable content with different icons, and color/luminance information.

Official Notice is taken that it is notoriously well known in the recording and reproducing art to provide an icons or different color/luminance information to distinguish contents. Therefore

it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by providing unique information in order to provide the editor distinguished contents easily and to perform editing function quickly.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 10 is rejected under35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The preamble of claim 10 indicates the claim is directed to a computer "program", *per se* for causing a computer to execute a series of instruction. Computer programs, *per se,* represent non-functional descriptive matter and, as such, constitute non-statutory subject matter: i.e. a computer program, *per se*, is not a process, machine, manufacture, or composition of matter as required under Section 101.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
August 13, 2010